

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 300 be amended to read as follows:

- 1 Page 2, line 28, after "IC 35-42-4" insert "**, a crime of family**
- 2 **violence (as defined in IC 35-41-1-6.5), "**.
- 3 Page 4, line 5, after "(a)" insert "**This subsection does not apply to**
- 4 **reimbursement for forensic and evidence gathering services**
- 5 **provided under section 39 of this chapter."**.
- 6 Page 4, line 6, strike "expense or indebtedness".
- 7 Page 4, strike line 7.
- 8 Page 4, line 8, strike "the bodily injury or death upon which the
- 9 application is based".
- 10 Page 4, line 8, delete "that".
- 11 Page 4, delete lines 9 through 11 and insert "**an amount equal to**
- 12 **the amount of reimbursement payable under IC 27-8-10-3 for each**
- 13 **of the types of services and items provided to the victim as a result**
- 14 **of the bodily injury or death upon which the application is based."**.
- 15 Page 4, line 20, after "devices" insert "**that do not exceed the**
- 16 **claimant's out-of-pocket loss"**.
- 17 Page 5, delete lines 15 through 20.
- 18 Page 6, line 28, after "any" insert "**paid or otherwise**
- 19 **compensated"**.
- 20 Page 6, line 31, after "of" insert "**paid or otherwise compensated"**.
- 21 Page 7, line 25, strike "emergency" and insert "**forensic and**
- 22 **evidence gathering"**.
- 23 Page 8, line 6, strike "emergency" and insert "**forensic and evidence**
- 24 **gathering"**.
- 25 Page 8, line 34, after "for" insert "**the"**.
- 26 Page 8, line 34, strike "in providing the following services:" and
- 27 insert "**of providing forensic and evidence gathering services."**.
- 28 Page 8, line 36, delete "(1)".
- 29 Page 8, line 36, strike "Appropriate procedures for acquiring
- 30 adequate evidence".
- 31 Page 8, strike lines 37 through 38.

1 Page 8, line 39, delete "(2)".

2 Page 8, line 39, strike "Records of the results of examinations and
3 tests made by".

4 Page 8, strike line 40.

5 Page 8, line 41, delete "(3)".

6 Page 8, line 41, strike "Appropriate counseling for the victim."

7 Page 9, between lines 9 and 10, begin a new paragraph and insert:

8 "SECTION 19. IC 16-18-2-139.5 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2006]: **Sec. 139.5. "Forensic and evidence**
11 **gathering services"**, for purposes of IC 16-21-8, means the
12 following:

13 (1) **Appropriate procedures for acquiring evidence that may**
14 **be used in a criminal proceeding against a person charged**
15 **with a sex crime.**

16 (2) **Initial pregnancy and sexually transmitted disease testing**
17 **related to the alleged sex crime.**

18 (3) **Alcohol and drug testing.**

19 (4) **Syphilis testing up to ninety (90) days after the alleged sex**
20 **crime.**

21 (5) **Pregnancy testing up to thirty (30) days after the alleged**
22 **sex crime.**

23 (6) **Other sexually transmitted disease testing up to thirty (30)**
24 **days after the alleged sex crime.**

25 (7) **Suturing and care of wounds that stem directly from the**
26 **sex crime, including anesthesia and prescribed medication.**

27 (8) **Mental health counseling concerning problems directly**
28 **related to the sex crime.**

29 SECTION 20. IC 16-21-8-0.6, AS ADDED BY P.L.90-2005,
30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2006]: Sec. 0.6. As used in this chapter, "provider" means a
32 hospital or licensed medical services provider that provides ~~emergency~~
33 **forensic and evidence gathering** services to a victim.

34 SECTION 21. IC 16-21-8-1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A hospital
36 licensed under IC 16-21-2 that provides general medical and surgical
37 hospital services shall provide ~~emergency hospital service~~ **forensic and**
38 **evidence gathering services**, in accordance with rules adopted by the
39 victim services division of the Indiana criminal justice institute, to all
40 alleged sex crime victims who apply for ~~hospital emergency~~ **forensic**
41 **and evidence gathering** services in relation to injuries or trauma
42 resulting from the alleged sex crime.

43 (b) For the purposes of this chapter, the following crimes are
44 considered sex crimes:

45 (1) Rape (IC 35-42-4-1).

46 (2) Criminal deviate conduct (IC 35-42-4-2).

47 (3) Child molesting (IC 35-42-4-3).

48 (4) Vicarious sexual gratification (IC 35-42-4-5).

(5) Sexual battery (IC 35-42-4-8).

(6) Sexual misconduct with a minor (IC 35-42-4-9).

SECTION 22. IC 16-21-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Community or areawide plans may be developed by the hospitals.

(b) A hospital may participate with at least one (1) other hospital in a community or an areawide plan to furnish ~~hospital emergency~~ **forensic and evidence gathering** services to alleged sex crime victims. A hospital participating in the plan must furnish the ~~hospital emergency~~ **forensic and evidence gathering** services that the plan designates to an alleged sex crime victim who applies for ~~hospital emergency~~ **forensic and evidence gathering** services for injuries or trauma resulting from the alleged sex crime.

SECTION 23. IC 16-21-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A hospital ~~providing emergency hospital that provides forensic and evidence gathering~~ services **shall provide the forensic and evidence gathering services** to an alleged sex crime victim under this chapter ~~shall provide the following~~ with the consent of the alleged sex crime victim and as ordered by the attending physician.

(1) ~~Appropriate medical care.~~

(2) ~~Appropriate procedures for acquiring adequate evidence that may be used in a criminal proceeding against a person accused of the sex crime.~~

(3) ~~Records of the results of examinations and tests made by the hospital.~~

(4) ~~Appropriate counseling for the victim.~~

SECTION 24. IC 16-21-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The victim services division of the Indiana criminal justice institute shall assist in the development and operation of programs that provide ~~emergency~~ **forensic and evidence gathering** services to alleged sex crime victims, and if necessary, provide grants to hospitals for this purpose.

SECTION 25. IC 16-21-8-5, AS AMENDED BY P.L.90-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The division may not award compensation or reimbursement under this chapter unless the following conditions are met:

(1) If the victim is at least eighteen (18) years of age:

(A) the sex crime must be reported to a law enforcement officer within ninety-six (96) hours after the crime's occurrence; and

(B) the victim must cooperate to the fullest extent possible with law enforcement personnel to solve the crime.

(2) If the victim is less than eighteen (18) years of age, a report of the sex crime must be made to child protective services or a law enforcement officer. The division may not deny an application for reimbursement under this subdivision based on the victim

1 reporting the sex crime more than ninety-six (96) hours after the
2 crime's occurrence.

3 (b) If the division finds a compelling reason for failure to report to
4 or cooperate with law enforcement officials and justice requires, the
5 division may suspend the requirements of this section.

6 (c) A claim filed for services provided at a time before the provision
7 of the ~~emergency forensic and evidence gathering~~ services for which
8 an application for reimbursement is filed is not covered under this
9 chapter.

10 SECTION 26. IC 16-21-8-6, AS AMENDED BY P.L.90-2005,
11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2006]: Sec. 6. (a) When a provider provides ~~emergency~~
13 ~~services forensic and evidence gathering services~~ under this chapter
14 to a victim, the provider shall furnish the services without charge.

15 (b) The division shall reimburse a provider for the cost for providing
16 services and shall adopt rules and procedures to provide for
17 reimbursement.

18 (c) The application for reimbursement must be filed not more than
19 one hundred eighty (180) days after the date the service was provided.

20 (d) The division shall approve **or deny** an application for
21 reimbursement filed under subsection (b) not more than one hundred
22 twenty (120) days after receipt of the application for reimbursement.

23 (e) A provider may not charge the victim for services required under
24 this chapter despite delays in reimbursement from the division."

25 Renumber all SECTIONS consecutively.

26 (Reference is to SB 300 as printed January 27, 2006.)

Senator YOUNG R MICHAEL